

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MICROSPHERIX LLC.,

Plaintiff,

v.

**MERCK & CO., INC., MERCK SHARP
& DOHME CORP, N.V. ORGANON,
AND MERCK SHARP & DOHME B.V.,**

Defendants.

Civil Action No. 2:17-cv-03984-CCC-JBC

**CONSENT ORDER FOR EXTENSION OF TIME TO
ANSWER, MOVE, OR OTHERWISE REPLY**

THIS MATTER having been brought before the Court by Plaintiff Microspherix, LLC (“Plaintiff”), Defendants Merck & Co., Inc., Merck Sharp & Dohme Corp., N.V. Organon, and Merck Sharp & Dohme B.V. (collectively, “Defendants”), by and through their counsel, respectfully request the entry of an Order extending the time by which Defendants must respond to Plaintiff’s Complaint. Defendants waived service of the summons on July 25, 2017, and their responsive pleadings are currently due September 25, 2017. The parties request a 30 day extension of this deadline to October 25, 2017. The parties have not previously requested an extension of time in this case.

The Court having considered this application, and for good cause shown;

IT IS on this _____ day of _____ 2017, hereby

ORDERED that this application is hereby granted; and it is further

ORDERED that Defendants shall file their responsive pleading to Plaintiff’s Complaint by October 25, 2017.

AGREED AND CONSENTED TO BY:

Dated: August 21, 2017

Respectfully submitted,

s/ Christopher DeCoro

Christopher DeCoro
David Draper
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 446-4859

OF COUNSEL:

James F. Hurst, P.C.
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Tel: (312) 862-5230

Stefan Miller
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 446-6479

Attorneys for Plaintiffs

s/ John E. Flaherty

John E. Flaherty
Ravin R. Patel
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
Tel: (973) 622-4444
Fax: (973) 297-3971

OF COUNSEL:

Tracey B. Davies
Michael A. Valek
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201
Tel: (214) 698-3100
Fax: (214) 571-2900

Attorneys for Defendants

IT IS SO ORDERED.

Hon. James B. Clark, III, U.S.M.J.